



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,348	07/24/2001	Fredrik Persson	43315-212951	3135

26694 7590 08/25/2009

VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DC 20043-9998

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 08/25/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief</b> <b>(37 CFR 41.37)</b>	<b>Application No.</b> 09/857,348	<b>Applicant(s)</b> PERSSON ET AL.	
	<b>Examiner</b> VICTOR MACARTHUR	<b>Art Unit</b> 3679	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 17 June 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Victor MacArthur/  
 Primary Examiner, Art Unit 3679

Continuation of 10. Other (including any explanation in support of the above items):

The Summary of Claimed Subject Matter does not give reference numbers for the claim 38 and 39 elements "a joint ball", "at least one removable polymeric friction minimizing annular bearing member", "a bearing surface", "a housing surface", "a plurality of friction-increasing grooves", or "driving means".

The Summary of Claimed Subject Matter section does not set forth the structure, material or acts described in the specification as corresponding to each claimed function "driving means" as recited in claims 38 and 39. The applicant argues that "the driving means is not being recited as part of the invention in claim 38. Rather, claim 38 simply recites that when the elements of the system are driven, or moved, the elements of the invention bearing member and housing will not move relative to each other". This is not persuasive since the limitation "a driving means" is clearly recited in the last line of both claims 38 and 39, whereas applicant's argued limitation is not present anywhere in the claims. If applicant wishes to amend the claims to replace "a driving means" (last lines of claims 38 and 39) with the argued limitation, then an RCE must be filed and accompanied by such amendment. If applicant wishes to pursue appeal with the claims as currently written, then applicant must set forth the structure, material or acts described in the specification as corresponding to "a driving means".

Note that the drawings filed 12/4/2008 are acceptable